

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 9-2007)		ATTORNEY'S DOCKET NUMBER 004974.01216
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/590,304
INTERNATIONAL APPLICATION NO. PCT/EP2005/001420	INTERNATIONAL FILING DATE 12 FEBRUARY 2005	PRIORITY DATE CLAIMED 26 FEBRUARY 2004
TITLE OF INVENTION DIAGNOSTICS AND THERAPEUTICS FOR DISEASES ASSOCIATED WITH GLYCOGEN SYNTHASE KINASE 3 BETA (GSK3B)		
APPLICANT(S) FOR DO/EO/US GOLZ, Stefan et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (25) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 18. <input type="checkbox"/> A substitute specification. 19. <input type="checkbox"/> A power of attorney and/or change of address letter. 20. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821 - 1.825. 21. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 23. <input type="checkbox"/> Express Mail Label No. 		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/590,304		INTERNATIONAL APPLICATION NO. PCT/EP2005/001420		ATTORNEY'S DOCKET NUMBER 004974.01216																																																																																																																																					
24. Other items or information: Response to Notification of Missing Requirements with copy of the Notification.																																																																																																																																									
<table border="1"> <tr> <td colspan="3">The following fees have been submitted:</td> <td>CALCULATIONS</td> <td colspan="2">PTO USE</td> </tr> <tr> <td colspan="3">25. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))</td> <td>\$</td> <td colspan="2">\$0.00</td> </tr> <tr> <td colspan="3">26. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations. \$200</td> <td>\$</td> <td colspan="2">\$0.00</td> </tr> <tr> <td colspan="3">27. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. \$400 All other situations. \$500</td> <td>\$</td> <td colspan="2">\$0.00</td> </tr> <tr> <td colspan="3">TOTAL OF 25, 26 and 27 =</td> <td>\$</td> <td colspan="2">\$0.00</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td colspan="2"></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole)</td> <td>RATE</td> <td colspan="2"></td> </tr> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td colspan="3">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$</td> <td colspan="2">\$130.00</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td colspan="2"></td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$50.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$200.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +</td> <td>\$360.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$</td> <td colspan="2">\$130.00</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> <td>\$</td> <td colspan="2">\$0.00</td> </tr> <tr> <td colspan="3">SUBTOTAL =</td> <td>\$</td> <td colspan="2">\$130.00</td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>\$</td> <td colspan="2">\$0.00</td> </tr> <tr> <td colspan="3">TOTAL NATIONAL FEE =</td> <td>\$</td> <td colspan="2">\$130.00</td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +</td> <td>\$</td> <td colspan="2">\$40.00</td> </tr> <tr> <td colspan="3">05/30/2007 LLANDGRA 00000013 190733 10590304</td> <td>TOTAL FEES ENCLOSED =</td> <td>\$</td> <td>\$170.00</td> </tr> <tr> <td colspan="3">01 FC:1617 130.00 DA</td> <td>Amount to be</td> <td colspan="2">\$</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be</td> <td colspan="2">\$</td> </tr> </table>						The following fees have been submitted:			CALCULATIONS	PTO USE		25. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))			\$	\$0.00		26. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations. \$200			\$	\$0.00		27. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. \$400 All other situations. \$500			\$	\$0.00		TOTAL OF 25, 26 and 27 =			\$	\$0.00		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). 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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

a. A check in the amount of \$ _____ to cover the above fees is enclosed.

b. Please charge my Deposit Account No. 19-0733 in the amount of \$ \$170.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.

d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so your **credit card information may be displayed via PAIR**. To

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Banner & Witcoff, Ltd.
Customer Number: 22907



SIGNATURE

Lisa M. Hemmendinger

NAME

42,653

REGISTRATION NUMBER

May 25, 2007

DATE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
GOLZ et al) Group Art No. TBA
Serial No: 10/590,304) Examiner: TBA
Filed: August 23, 2006) Docket No. 004974.01216

For: **DIAGNOSTICS AND THERAPEUTICS FOR DISEASES ASSOCIATED
WITH GLYCOGEN SYNTHASE KINASE 3 BETA (GSK3B)**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE DO/EO/US**

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated April 2, 2007, Applicants submit herewith the following documents to complete the requirements for acceptance under 35 USC 371:

1. Fee Transmittal Sheet Form PTO-1390 (Modified) in Duplicate;
2. Copy of the Notification of Missing Requirements; and
3. Executed Declaration for Patent Application.

The Commissioner for Patents is authorized to charge our Deposit Account No. 19-0733 in the amount of \$130.00, as follows:

\$ 130.00 Late declaration surcharge

It is not believed that any additional fees are required. However, in the event that additional fees are necessary, then such fees are authorized to be charged to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Lisa M. Hemmendinger
Lisa M. Hemmendinger
Registration No. 42,653

Date: 5/25/07

Banner & Witcoff Ltd
Customer Number: 22907

LMH:sdm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,304	Stefan Golz	004974.01216

22907
 BANNER & WITCOFF, LTD.
 1100 13th STREET, N.W.
 SUITE 1200
 WASHINGTON, DC 20005-4051

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BANNER & WITCOFF, LTD.

CONFIRMATION NO. 5477

371 FORMALITIES LETTER



OC000000023182367

Date Mailed: 04/02/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/23/2006
- Copy of the International Search Report filed on 08/23/2006
- Preliminary Amendments filed on 08/23/2006
- Information Disclosure Statements filed on 08/23/2006
- Biochemical Sequence Diskette filed on 08/23/2006
- Biochemical Sequence Listing filed on 08/23/2006
- Request for Immediate Examination filed on 08/23/2006
- U.S. Basic National Fees filed on 08/23/2006
- Specification filed on 08/23/2006
- Claims filed on 08/23/2006
- Abstracts filed on 08/23/2006
- Drawings filed on 08/23/2006

Docketed 4/4/07
 Attny DHH/LMH/Int'l
 Case Ref. 004974.01216
 Action Notice File Miss. Reg.
 Due Date 6/2/07
 Last Day 11/2/07
 By TMH

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

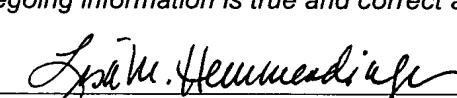
PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,304	PCT/EP05/01420	004974.01216

FORM PCT/DO/EO/905 (371 Formalities Notice)

FORM PTO-1595 (Modified)
(Rev. 03-01) OMB No. 0651-0027 (exp. 5/31/2002)
P08A/REV04

PATENTS ONLY

1. Name of conveying party(ies): 1) GOLZ, Stefan 2) Ulf BRÜGGEMEIER, Ulf 3) GEERTS, Andreas 4) WEINGÄRTNER, Bernhard		2. Name and address of receiving party(ies): Name: <u>Bayer HealthCare AG</u> Address: _____ _____ _____	
Additional names(s) of conveying party(ies) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____			
Execution Date: <u>8/16/06;9/20/06;08/16/06 & 9/26/06</u>			
City: <u>Leverkusen</u> State/Prov.: _____		Country: <u>Germany</u> ZIP: <u>51368</u>	
Additional name(s) & address(es)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Application number(s) or patent numbers(s): If this document is being filed together with a new application, the execution date of the application is: _____			
Patent Application No. <u>10/590,304</u> Filing date <u>August 23, 2006</u>		B. Patent No.(s)	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Additional numbers _____			
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Lisa M. Hemmendinger</u> Registration No. <u>42,653</u> Address: <u>Banner & Witcoff, Ltd.</u> <u>Suite 1200</u> <u>1100 13th St. N.W.</u>		6. Total number of applications and patents involved: <u>1</u>	
		7. Total fee (37 CFR 3.41): \$ <u>40.00</u>	
		<input type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account	
		<input checked="" type="checkbox"/> Authorized to be charged to deposit account	
City: <u>Washington</u> State/Prov.: <u>D.C.</u> Country: <u>U.S.</u> ZIP: <u>20005-4051</u>		8. Deposit account number: <u>19-0733</u> (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE			
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.			
Lisa M. Hemmendinger		 Signature	
Name of Person Signing		May 25, 2007	
Total number of pages including cover sheet, attachments, and document: <u>2</u> Date <u>May 25, 2007</u>			
Mail documents to be recorded with required cover sheet information to:			

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Director of the United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

?

Date

Assignment

For valuable consideration, the receipt and adequacy of which is hereby acknowledged,

I/We

1) GOLZ, Stefan 2) BRÜGGE MEIER, Ulf 3) GEERTS, Andreas
4) WEINGÄRTNER, Bernhard

1) Bückmannsmühle 46, 45326 Essen, Germany
2) Leysiefen 20, 42799 Leichlingen, Germany
3) Schuckertstrasse 29, 42113 Wuppertal, Germany
4) Birkenweg 4, 42489 Wülfrath, Germany

hereby sell, assign, and transfer unto Bayer HealthCare AG a corporation of Germany located at 51368 Leverkusen, Germany the entire right, title, and interest in and to my/our application for Letters Patent of the United States, executed concurrently herewith, entitled

DIAGNOSTICS AND THERAPEUTICS FOR DISEASES ASSOCIATED WITH GLYCOGEN SYNTHASE KINASE 3 BETA (GSK3B)

Filed: February 12, 2005

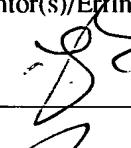
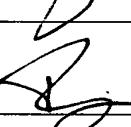
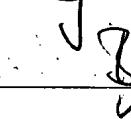
PCT-Serial No.: PCT/EP2005/001420

and my/our entire right, title, and interest in and to all my/our inventions, whether joint or sole, disclosed in said application for Letters Patent, and in and to all divisional or continuation applications that may be filed for United States Letters Patent for any of said inventions, and in and to all patents that may be granted on the foregoing applications, and I/we hereby agree, whenever requested, to communicate to said assignee, its successors and assigns, any facts known to my/us respecting said inventions and to execute all applications or papers necessary to obtain and maintain proper patent protection on said inventions in the United States.

Date/Datum

→ 16.08.06
→ 20.9.06
→ 16.08.2006
→ 26.01.2006

Inventor(s)/Erfinder

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S. Young